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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/721,728
Filing Date: November 25, 2000
Appellant(s): YADAV-RANJAN, RANI K.

Timothy W. Lohse
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 27, 2007 appealing from the Office action mailed July 17, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,496,991 Delfer 3-1996

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-19, 21-39, and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Delfer (5,496,991).

Delfer discloses a method and corresponding device for automated remittance comprising enabling a payor to authorize a payment due on the receipt to a payee, associating the payment with the payment remittance information, communicating the payment instructions directly to the payee to initiate payment of the amount, wherein the payment remittance information is arranged within a data structure, the data structure comprising one or more open data fields to hold data that the payor can enter and the payment remittance information further comprises a structured remittance data that is kept hidden from the payee (col.5, line 35 to col.6, line 55); storing a receipt and a payment remittance information in a memory, the payment information comprising a structured remittance data that is kept hidden from a payee, presenting the receipt to the payee without revealing the structured remittance data, enabling the payor to specify payment instructions comprising at least an amount to be paid on the receipt and an account at a payor from which to draw the amount while prohibiting the payor from altering data contained in the structured remittance data, associating the payment instructions with the structured remittance data, communicating the payment

Art Unit: 3600

instructions from the memory to the payor to initiate payment of the amount, and routing the amount to a payee (col.5, line 35 to col.6, line 55); presenting the receipt to the payee without revealing the structured remittance data, communicating payment instructions to a payor to initiate payment of an amount to be paid on the receipt, and routing the amount to a payee, wherein the enabling the entity comprises specifying the payment instructions comprising at least the amount and an account at the payor from which to draw the amount (col.5, line 35 to col.6, line 55); communicating the receipt and the payment remittance information to at least an intermediary (col.5, line 35 to col.6, line 55); the receipt is selected from the group, consisting era traffic ticket, a citation, a utility bill, a court ticket, a court warrant, hospital receipt, a rental receipt, a property tax receipt, a property transfer tax receipt, a business permits receipt, a business license receipt, a business license renewal receipt, an administrative citation receipt, a facility rental receipt, a class sign-up receipt, a building permit receipt, a planning receipt, an airport use receipt, a roads and highway receipt, a fire department receipt, a waste disposal receipt, a recycling waste bill, a marriage license receipt, a birth certificate receipt, a death certificate receipt, a lien receipt, a passport application receipt, a passport renewal receipt, a visa application receipt, a visa renewal receipt, a land development maps receipt, an United States Geological Service Maps Division receipt, an Internal Revenue Service receipt, a State Tax Board receipt, a Driver's license renewal receipt, a Vehicle License tags renewal receipt, a car insurance receipt, an electric bill, a phone bill, a gas bill, a water receipt, a business tax receipt and a parking ticket; and wherein the media optionally comprises a memory device

Art Unit: 3600

storing a program and is selected from the group consisting of a computer, a cellular telephone, a portal, a network, Internet, smart cards, a wireless access device, smart crystals, hand-held display screens, fiber optics, digital optical readers, digital print readers, a broadband network, a DVD-ROM, a CD-RW, a telecommunication line cord, a bio-crystal network, bar codes, Secure Sockets Layer, Hyper text Socket Layer, data crystals, artificial intelligence, laser scanners and computer- executable instructions (col.5, line 35 to col.6, line 55); the communicating payment instructions to a payor is performed electronically (col.5, line 35 to col.6, line 55); the communicating the receipt and the payment remittance information is performed electronically (col.5, line 35 to col.6, line 55); the routing the amount is performed electronically (col.5, line 35 to col.6, line 55); the presenting the receipt is performed electronically (col.5, line 35 to col.6, line 55); the payor is selected from the group consisting of a bank, an entity and a credit card facility (col.5, line 35 to col.6, line 55); the payee is selected from the group consisting of an intermediary, a government agency, a government department, a business, citizens and a collection agency (col.5, line 35 to col.6, line 55); enabling the entity further comprises specifying a payment date (col.5, line 35 to col.6, line 55); routing the amount to a payee is without intervention of the entity (col.5, line 35 to col.6, line 55); designating the payee (col.5, line 35 to col.6, line 55); submitting the payment instructions an account clearing house payment system or a credit card processing system (col.5, line 35 to col.6, line 55); communicating non-billing information with the receipt (col.5, line 35 to col.6, line 55); encrypting the receipt and the payment instructions (col.5, line 35 to col.6, line 55); digitally signing the

receipt (col.5, line 35 to col.6, line 55); and authenticating the receipt (col.5, line 35 to col.6, line 55).

(10) Response to Argument

With regard to claims 1, 2, 21, and 22, the Appellant argues that Delfer does not disclose "communicating the payment instructions directly to the payer"; "structured remittance data that is kept hidden from the payee"; "communicating payment instructions from the memory directly to the payee"; or "means for communicating the payment instructions directly to the payor".

In response, Delfer discloses the following claim limitations:

1. A method for conducting a transaction using a medium based on a receipt having payment remittance information, **(col.2, lines 37-47)** comprising:

- enabling a payor to authorize a payment due on the receipt to a payee **(col.4, lines 9-15—payor completes pre-authorization card)**;
- associating the payment with the payment remittance information **(col.4, lines 9-15--electronic funds transfer set up with the information provided on the pre-authorization card)**;
- communicating the payment instructions directly to the payee to initiate payment of the amount **(In the Applicant's specification on p.13, the means for presenting the receipt to the entity without revealing the structured remittance data is: computer storage disk drive, data crystals, VAN**

database, artificial intelligence, wireless storage networks, smart cards, Internet service providers, point-to-point protocol, secure hypertext transfer protocol, keyboard and user interface without server. Delfer discloses that the bar coded information containing payment instructions is communicated to the sole vendor who may have funds directed to their depository, which is being interpreted by the Examiner as payment instructions being communicated directly to the payee to initiate payment of the amount—col.6, lines 30-40. The instructions are communicated from a memory.); and

- wherein the payment remittance information is arranged within a data structure, the data structure comprising one or more data fields to hold data that the payor can enter, and the payment remittance information further comprises a structured remittance data that is kept hidden from the payee (***The structured remittance data is in bar code form and communicated from memory. The data is kept hidden from the payee in that the payor provides information for funds transfer to someone other than the payee (a billing service provider) which the payor does not have access to—col.4, lines 1-15 and col.6, lines 30-50).***)

2. A method of executing computer-executable instructions residing in or on a processor using a medium, comprising:

- storing a receipt and a payment remittance information in a memory, the payment remittance information comprising a structured remittance data that is kept hidden from a payee (***The structured remittance data is in bar code form and communicated from memory. The data is kept hidden from the payee in that the payor provides information for funds transfer to someone other than the payee (a billing service provider) which the payor does not have access to—col.4, lines 1-15 and col.6, lines 30-50).***);
- presenting the receipt to the payee without revealing the structured remittance data (***The structured remittance data is in bar code form and communicated from memory***) ;
- enabling the payor to specify payment instructions comprising at least an amount to be paid on the receipt and an account at a payor from which to draw the amount while prohibiting the payor from altering data contained in the structured remittance data (***col.4, lines 9-15--electronic funds transfer set up with the information provided on the pre-authorization card and the information is then placed into bar code format***);
- associating the payment instructions with the structured remittance data (electronic funds transfer information—col.6, lines 30-50);
- communicating the payment instructions from the memory directly to the payor to initiate payment of the amount (electronic funds transfer—col.6, lines 30-50); and
- routing the amount to a payee (electronic funds transfer—col.6, lines 30-50).

21. A device, comprising:

- means for generating a receipt and a payment remittance information (**col.4, lines 9-15—payor completes pre-authorization card**);
- means for enabling a payor to authorize a payment due on the receipt (**col.4, lines 9-15--electronic funds transfer set up with the information provided on the pre-authorization card**);
- and means for associating the payment with the payment remittance information (**col.4, lines 9-15--electronic funds transfer set up with the information provided on the pre-authorization card**);
- means for communicating the payment instructions directly to the payor to initiate payment of the amount (**col.4, lines 9-15--electronic funds transfer set up with the information provided on the pre-authorization card**); and
- wherein the device conducts a transaction using a medium, wherein the payment remittance information is arranged within a data structure, the data structure comprising one or more open data fields to hold data that the payor can enter, and the payment remittance information further comprises a structured remittance data that is kept hidden from the payee (**The structured remittance data is in bar code form and communicated from memory. The data is kept hidden from the payee in that the payor provides information for funds transfer to someone other than the payee (a billing service provider) which the payor does not have access to—col.4, lines 1-15 and**

col.6, lines 30-50).

22. A device, comprising:

- means for storing a receipt and a payment remittance information, the payment remittance information comprising a structured remittance data that is kept hidden from a payee (***The structured remittance data is in bar code form and communicated from memory. The data is kept hidden from the payee in that the payor provides information for funds transfer to someone other than the payee (a billing service provider) which the payor does not have access to—col.4, lines 1-15 and col.6, lines 30-50).***);
- means for presenting the receipt to the payee without revealing the structured remittance data (***col.4, lines 9-15--electronic funds transfer set up with the information provided on the pre-authorization card and the information is then placed into bar code format***);
- means for enabling the payor to specify payment instructions comprising at least an amount to be paid on the receipt and an account at a payor from which to draw the amount while prohibiting the payor from altering data contained in the structured remittance data (***col.4, lines 9-15--electronic funds transfer set up with the information provided on the pre-authorization card and the information is then placed into bar code format***);

Art Unit: 3600

- means for associating the payment instructions with the structured remittance data (*col.4, lines 9-15--electronic funds transfer set up with the information provided on the pre-authorization card*);;
- means for communicating the payment instructions directly to the payor to initiate payment of the amount (*col.4, lines 9-15--electronic funds transfer set up with the information provided on the pre-authorization card*);; and
- means for routing the amount to a payee (electronic funds transfer—col.6, lines 30-50).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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Primary Examiner, Art Unit 3691

Conferees:

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Application/Control Number: 09/721,728
Art Unit: 3600

Page 12

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